

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

4570 NAVARRE-COULEE ROAD,  
CHELAN, WASHINGTON,  
TOGETHER WITH ALL  
APPURTENANCES, FIXTURES,  
ATTACHMENTS, AND  
IMPROVEMENTS THERETO AND  
THEREUPON,,

Defendant.

CV-06-321-LRS

Final Order of Forfeiture

Plaintiff, United States of America, alleged in a Verified Complaint for Forfeiture In Rem, filed herein on November 14, 2006, that the Defendant real property is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(6).

The above court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

The property to be forfeited is described as follows:

Lot 1 as delineated on Harold N. Wrigley Short Plat No. 1958, Chelan County, Washington, recorded September 11, 1987, in Book SP-5 of Short Plats, Page 10 and 11. Parcel No. 272121320100.

Together with all appurtenances, fixtures, attachments, and improvements thereto and thereupon.

SUBJECT to any easements, rights of way, reservations and/or exceptions, and actions of record.

1 On November 16, 2006, Al Mendoza was served via certified mail with copies  
2 of the Verified Complaint for Forfeiture In Rem, Notice of Complaint for Forfeiture,  
3 and Lis Pendens, as evidenced by the Certificate of Service of Notice by Mail filed  
4 with the Court on November 16, 2006. On December 15, 2006, Al Mendoza filed a  
5 Claim. On January 9, 2007, Al Mendoza filed a Response to Complaint.

6 On November 21, 2006, Patricia Mendoza was personally served with copies  
7 of the Verified Complaint for Forfeiture In Rem, Notice of Complaint for Forfeiture,  
8 and Lis Pendens, as evidenced by the United States Marshal's form, USM-285, filed  
9 herein on November 29, 2006.

10 On November 21, 2006, copies of the Verified Complaint for Forfeiture In  
11 Rem, Notice of Complaint for Forfeiture, and Lis Pendens, were posted on the  
12 Defendant real property, as evidenced by the United States Marshal's form, USM-  
13 285, filed herein on November 29, 2006.

14 On November 27, 2006, Rick Mendoza was served with copies of the Verified  
15 Complaint for Forfeiture In Rem, Notice of Complaint for Forfeiture, and Lis  
16 Pendens, as evidenced by the United States Marshal's form, USM-285, filed herein  
17 on November 29, 2006.

18 The Notice of Complaint was published on November 26, December 6 and 13,  
19 2006, in the Leavenworth Echo/Cashmere Valley Record, a newspaper of general  
20 circulation in Chelan County, Washington. Rule G of the Supplemental Rules for  
21 Certain Admiralty and Maritime Claims, Fed. R. Civ. P., require that claimants file  
22 a claim within thirty (30) days after final date of publication of the Notice of  
23 Complaint for Forfeiture, or within thirty-five (35) days after direct service of the  
24 complaint, whichever occurs first. At the latest the claim period expired on January  
25 12, 2007.

26 On December 1, 2006, a Post Complaint Protective Order was entered by the  
27 Court.  
28

1 On December 7, 2006, Rick Mendoza was served with a copy of the Post  
2 Complaint Protective Order, as evidenced by the United States Marshal's form, USM-  
3 285, filed herein on December 8, 2006.

4 On December 14, 2006, Al Mendoza was served via certified mail with a copy  
5 of the Post Complaint Protective Order, as evidenced by the Certificate of Service of  
6 Notice by Mail filed herein on December 19, 2006.

7 On December 28, 2006, Patricia Mendoza was personally served with a copy  
8 of the Post Complaint Protective Order, as evidenced by the United States Marshal's  
9 form, USM-285, filed herein on January 3, 2007.

10 On January 31, 2007, a Clerk's Order of Default was entered forfeiting Rick  
11 Mendoza's interest in the Defendant real property to the United States.

12 On January 31, 2007, a Clerk's Order of Default was entered forfeiting Patricia  
13 Mendoza's interest in the Defendant real property to the United States.

14 No other claims were filed to the Defendant real property.

15 On March 28, 2008, the Court granted partial summary judgment in favor the  
16 United States, holding that Plaintiff met its initial burden proving that the Defendant  
17 real property is subject to forfeiture to the United States.

18 On June 16 and 17, 2008, a bench trial was held in this matter to resolve  
19 whether Claimant, Al Mendoza, held an innocent ownership interest in the Defendant  
20 real property.

21 On June 27, 2008, the Court entered Findings of Fact and Conclusions of Law,  
22 holding that Claimant, Al Mendoza, had failed to establish that he held an innocent  
23 ownership interest in the Defendant real property.

24 Therefore, all claims to the Defendant real property have been addressed.

25 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the  
26 Defendant real property described above , is hereby forfeited to the United States of  
27 America, and no right, title, or interest shall exist in any other person.  
28

1 I IT IS FURTHER ORDERED that the United States Marshals Service shall  
2 physically seize and take custody of the subject property, evicting any occupants or  
3 tenants therein.

4 IT IS FURTHER ORDERED that the forfeited Defendant real property shall  
5 be disposed of in accordance with law by the United States Marshals Service.

6 DATED this 16th day of July, 2008.

7  
8 *s/Lonny R. Suko*

9 Lonny R. Suko  
United States District Judge

10  
11 Presented by:

12 James A. McDevitt  
13 United States Attorney

14  
15 Jared C. Kimball  
16 Assistant United States Attorney